

53A-17a-101. Title.

This chapter is known as the "Minimum School Program Act."

Amended by Chapter 21, 1999 General Session

53A-17a-102. Purpose of chapter.

(1) The purpose of this chapter is to provide a minimum school program for the state in accordance with the constitutional mandate. It recognizes that all children of the state are entitled to reasonably equal educational opportunities regardless of their place of residence in the state and of the economic situation of their respective school districts or other agencies.

(2) It further recognizes that although the establishment of an educational system is primarily a state function, school districts should be required to participate on a partnership basis in the payment of a reasonable portion of the cost of a minimum program.

(3) It is also the purpose of this chapter to describe the manner in which the state and the school districts shall pay their respective share of the costs of a minimum program. This chapter also recognizes that each locality should be empowered to provide educational facilities and opportunities beyond the minimum program and accordingly provide a method whereby that latitude of action is permitted and encouraged.

Renumbered and Amended by Chapter 72, 1991 General Session

53A-17a-103. Definitions.

As used in this chapter:

(1) "Basic state-supported school program" or "basic program" means public education programs for kindergarten, elementary, and secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each school district or charter school by the value established each year in statute, except as otherwise provided in this chapter.

(2) (a) "Certified revenue levy" means a property tax levy that provides an amount of ad valorem property tax revenue equal to the sum of:

(i) the amount of ad valorem property tax revenue to be generated statewide in the previous year from imposing a minimum basic tax rate, as specified in Subsection 53A-17a-135(1)(a); and

(ii) the product of:

(A) new growth, as defined in:

(I) Section 59-2-924; and

(II) rules of the State Tax Commission; and

(B) the minimum basic tax rate certified by the State Tax Commission for the previous year.

(b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not include property tax revenue received statewide from personal property that is:

(i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County Assessment; and

(ii) semiconductor manufacturing equipment.

(c) For purposes of calculating the certified revenue levy described in this Subsection (2), the State Tax Commission shall use:

(i) the taxable value of real property assessed by a county assessor contained on the assessment roll;

(ii) the taxable value of real and personal property assessed by the State Tax Commission; and

(iii) the taxable year end value of personal property assessed by a county assessor contained on the prior year's assessment roll.

(3) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

(4) (a) "State-supported minimum school program" or "Minimum School Program" means public school programs for kindergarten, elementary, and secondary schools as described in this Subsection (4).

(b) The minimum school program established in school districts and charter schools shall include the equivalent of a school term of nine months as determined by the State Board of Education.

(c) (i) The board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.

(ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by local school boards or charter school governing boards, shall receive full support by the State Board of Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.

(d) (i) A local school board or charter school governing board may reallocate up to 32 instructional hours or 4 school days established under Subsection (4)(c) for teacher preparation time or teacher professional development.

(ii) A reallocation of instructional hours or school days under Subsection (4)(d)(i) is subject to the approval of two-thirds of the members of a local school board or charter school governing board voting in a regularly scheduled meeting:

(A) at which a quorum of the local school board or charter school governing board is present; and

(B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.

(iii) If a local school board or charter school governing board reallocates instructional hours or school days as provided by this Subsection (4)(d), the school district or charter school shall notify students' parents and guardians of the school calendar at least 90 days before the beginning of the school year.

(iv) Instructional hours or school days reallocated for teacher preparation time or teacher professional development pursuant to this Subsection (4)(d) is considered part of a school term referred to in Subsection (4)(b).

(e) The Minimum School Program includes a program or allocation funded by a line item appropriation or other appropriation designated as follows:

(i) Basic School Program;

(ii) Related to Basic Programs;

(iii) Voted and Board Levy Programs; or

(iv) Minimum School Program.

(5) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure

of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each district.

Amended by Chapter 389, 2014 General Session

53A-17a-105. Powers and duties of State Board of Education to adjust Minimum School Program allocations.

(1) Except as provided in Subsection (2) or (4), if the number of weighted pupil units in a program is underestimated, the State Board of Education shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.

(2) If the number of weighted pupil units in a program is overestimated, the State Board of Education shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (2)(a):

(a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;

(b) to support the state guarantee per weighted pupil unit provided under the voted local levy program established in Section 53A-17a-133 or the board local levy program established in Section 53A-17a-164, if:

(i) local contributions to the voted local levy program or board local levy program are overestimated; or

(ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;

(c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or

(d) to support a school district with a loss in student enrollment as provided in Section 53A-17a-139.

(3) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are overestimated, the State Board of Education shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.

(4) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are underestimated, the State Board of Education shall:

(a) spend the excess local contributions for the purposes specified in Subsection (2), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and

(b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.

(5) Except as provided in Subsection (2) or (4), the State Board of Education shall reduce the guarantee per weighted pupil unit provided under the voted local levy program established in Section 53A-17a-133 or board local levy program established in Section 53A-17a-164, if:

(a) local contributions to the voted local levy program or board local levy program are overestimated; or

(b) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated.

(6) Money appropriated to the State Board of Education is nonlapsing.

(7) The State Board of Education shall report actions taken by the board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

Amended by Chapter 310, 2013 General Session

53A-17a-105.5. Flexibility in the use of program funds.

(1) As used in this section, "qualifying program" means:

(a) the Enhancement for At-Risk Students Program created in Section 53A-17a-166;

(b) the Enhancement for Accelerated Students Program created in Section 53A-17a-165; and

(c) the concurrent enrollment program created in Section 53A-15-101.

(2) If a school district or charter school receives an allocation of state funds for a qualifying program that is less than \$10,000, the school district or charter school may:

(a) (i) combine the funds with one or more qualifying program fund allocations each of which is less than \$10,000; and

(ii) use the combined funds in accordance with the program requirements for any of the qualifying programs that are combined; or

(b) (i) transfer the funds to a qualifying program for which the school district or charter school received an allocation of funds that is greater than or equal to \$10,000; and

(ii) use the combined funds in accordance with the program requirements for the qualifying program to which the funds are transferred.

Amended by Chapter 7, 2011 General Session

53A-17a-106. Determination of weighted pupil units.

The number of weighted pupil units in the minimum school program for each year is the total of the units for each school district determined as follows:

(1) The number of units is computed by adding the average daily membership of all pupils of the district attending schools, other than kindergarten and self-contained classes for children with a disability.

(2) The number of units is computed by adding the average daily membership of all pupils of the district enrolled in kindergarten and multiplying the total by .55.

(a) In those districts that do not elect to hold kindergarten for a full nine-month term, the local school board may approve a shorter term of nine weeks' duration.

(b) Upon board approval, the number of pupils in average daily membership at the short-term kindergarten shall be counted for the purpose of determining the number of units allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding nine weeks, compared to the total number of days schools are held in that district in the regular school year.

(3) (a) The State Board of Education shall use prior year plus growth to determine average daily membership in distributing money under the minimum school program where the distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

(b) Under prior year plus growth, kindergarten through grade 12 average daily membership for the current year is based on the actual kindergarten through grade 12 average daily membership for the previous year plus an estimated percentage growth factor.

(c) The growth factor is the percentage increase in total average daily membership on the first school day of October in the current year as compared to the total average daily membership on the first school day of October of the previous year.

Amended by Chapter 73, 2001 General Session

53A-17a-107. Professional staff weighted pupil units.

(1) Professional staff weighted pupil units are computed and distributed in accordance with the following schedule:

(a) Professional Staff Cost Formula

Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's Degree +45 Qt. Hr.	Doctorate
1	1.00	1.05	1.10	1.15	1.20
2	1.05	1.10	1.15	1.20	1.25
3	1.10	1.15	1.20	1.25	1.30
4	1.15	1.20	1.25	1.30	1.35
5	1.20	1.25	1.30	1.35	1.40
6	1.25	1.30	1.35	1.40	1.45
7	1.30	1.35	1.40	1.45	1.50
8	1.35	1.40	1.45	1.50	1.55
9			1.50	1.55	1.60
10				1.60	1.65
11					1.70

(b) Multiply the number of full-time or equivalent professional personnel in each applicable experience category in Subsection (1)(a) by the applicable weighting factor.

(c) Divide the total of Subsection (1)(b) by the number of professional personnel included in Subsection (1)(b) and reduce the quotient by 1.00.

(d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed in accordance with Sections 53A-17a-106 and 53A-17a-109.

(2) The State Board of Education shall enact rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which require a certain percentage of a district's professional staff to be certified in the area in which they teach in order for the district to receive full funding under the schedule.

(3) If an individual's teaching experience is a factor in negotiating a contract of employment to teach in the state's public schools, then the local school board is encouraged to accept as credited experience all of the years the individual has taught in the state's public schools.

Amended by Chapter 382, 2008 General Session

53A-17a-108. Weighted pupil units for small school district administrative costs -- Appropriation for charter school administrative costs.

(1) Administrative costs weighted pupil units are computed and distributed to small school districts in accordance with the following schedule:

Administrative Costs Schedule

School District Enrollment as of October 1	Weighted Pupil Units
1 - 500 students	95
501 - 1,000 students	80
1,001 - 2,000 students	70
2,001 - 5,000 students	60

(2) (a) Except as provided in Subsection (2)(b), money appropriated to the State Board of Education for charter school administrative costs shall be distributed to charter schools in the amount of \$100 for each charter school student in enrollment.

(b) (i) If money appropriated for charter school administrative costs is insufficient to provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.

(ii) If the State Board of Education makes adjustments to Minimum School Program allocations under Section 53A-17a-105, the allocation provided in Subsection (2)(b)(i) shall be determined after adjustments are made under Section 53A-17a-105.

(c) Charter schools are encouraged to identify and use cost-effective methods of performing administrative functions, including contracting for administrative services with the State Charter School Board as provided in Section 53A-1a-501.6.

(3) Charter schools are not eligible for funds for administrative costs under Subsection (1).

Amended by Chapter 3, 2010 General Session

Amended by Chapter 399, 2010 General Session

53A-17a-109. Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Necessarily existent small schools funding balance" means the difference between:

(i) the amount appropriated for the necessarily existent small schools program in a fiscal year; and

(ii) the amount distributed to school districts for the necessarily existent small schools program in the same fiscal year.

(2) (a) Upon application by a school district, the board shall, in consultation with the local school board, classify schools in the district as necessarily existent small schools, in accordance with this section and board rules adopted under this section.

(b) An application must be submitted to the board before April 2, and the board must report a decision to a school district before June 2.

(3) The board shall adopt standards and make rules to:

(a) govern the approval of necessarily existent small schools consistent with principles of efficiency and economy and which shall serve the purpose of eliminating schools where consolidation is feasible by participation in special school units; and

(b) ensure that districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.

(4) A one or two-year secondary school that has received necessarily existent small school money under this section prior to July 1, 2000, may continue to receive such money in subsequent years under board rule.

(5) The board shall prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards.

(6) (a) Additional weighted pupil units for schools classified as necessarily existent small schools shall be computed using regression formulas adopted by the board.

(b) The regression formulas establish the following maximum sizes for funding under the necessarily existent small school program:

- | | |
|---|-----|
| (i) an elementary school | 160 |
| (ii) a one or two-year secondary school | 300 |
| (iii) a three-year secondary school | 450 |
| (iv) a four-year secondary school | 500 |
| (v) a six-year secondary school | 600 |

(c) Schools with fewer than 10 students shall receive the same add-on weighted pupil units as schools with 10 students.

(d) The board shall prepare and distribute an allocation table based on the regression formula to each school district.

(7) (a) To avoid penalizing a district financially for consolidating its small schools, additional weighted pupil units may be allowed a district each year, not to exceed two years.

(b) The additional weighted pupil units may not exceed the difference between

what the district receives for a consolidated school and what it would have received for the small schools had they not been consolidated.

(8) (a) Subject to Subsection (8)(b), the board may distribute a portion of necessarily existent small schools funding in accordance with a formula adopted by the board that considers the tax effort of a local school board.

(b) The amount distributed in accordance with Subsection (8)(a) may not exceed the necessarily existent small schools fund in balance of the prior fiscal year.

(9) A district may use the money allocated under this section for maintenance and operation of school programs or for other school purposes as approved by the board.

Amended by Chapter 106, 2013 General Session

53A-17a-111. Weighted pupil units for programs for students with disabilities -- District allocation.

(1) The number of weighted pupil units for students with disabilities shall reflect the direct cost of programs for those students conducted in accordance with rules established by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) Disability program money allocated to districts is restricted and shall be spent for the education of students with disabilities but may include expenditures for approved programs of services conducted for certified instructional personnel who have students with disabilities in their classes.

(3) The State Board of Education shall establish and strictly interpret definitions and provide standards for determining which students have disabilities and shall assist districts in determining the services that should be provided to students with disabilities.

(4) Each year the board shall evaluate the standards and guidelines that establish the identifying criteria for disability classifications to assure strict compliance with those standards by the districts.

(5) (a) Money appropriated to the State Board of Education for add-on WPUs for students with disabilities enrolled in regular programs shall be allocated to school districts as provided in this Subsection (5).

(b) Beginning on July 1, 2003, the State Board of Education shall:

(i) use a district's average number of special education add-on weighted pupil units determined by the previous five year's average daily membership data as a foundation for the special education add-on appropriation; and

(ii) implement a hold harmless provision for up to three years as needed to accomplish a phase-in period for school districts to accommodate the change in the special education add-on WPUs foundation formula.

(c) A district's special education add-on WPUs for the current year may not be less than the foundation special education add-on WPUs.

(d) Growth WPUs shall be added to the prior year special education add-on WPUs, and growth WPUs shall be determined as follows:

(i) The special education student growth factor is calculated by comparing S-3 total special education ADM of two years previous to the current year to the S-3 total special education ADM three years previous to the current year, not to exceed the

official October total district growth factor from the prior year.

(ii) When calculating and applying the growth factor, a district's S-3 total special education ADM for a given year is limited to 12.18% of the district's S-3 total student ADM for the same year.

(iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special education ADM of two years previous to the current year.

(iv) Growth ADMs for each district are multiplied by 1.53 weighted pupil units and added to the prior year special education add-on WPU to determine each district's total allocation.

(6) If money appropriated under this chapter for programs for students with disabilities does not meet the costs of districts for those programs, each district shall first receive the amount generated for each student with a disability under the basic program.

Amended by Chapter 342, 2011 General Session

53A-17a-111.5. Districts to provide class space for deaf and blind programs.

(1) School districts with students who reside within their boundaries and are served by the Schools for the Deaf and the Blind shall:

(a) furnish the schools with space required for their programs; or

(b) help pay for the cost of leasing classroom space in other school districts.

(2) A district's participation in the program under Subsection (1) is based upon the number of students who are served by the Schools for the Deaf and the Blind and who reside within the district as compared to the state total of students who are served by the schools.

Amended by Chapter 221, 2003 General Session

53A-17a-112. Preschool special education appropriation -- Extended year program appropriation -- Appropriation for special education programs in state institutions -- Appropriations for stipends for special educators.

(1) (a) Money appropriated to the State Board of Education for the preschool special education program shall be allocated to school districts to provide a free, appropriate public education to preschool students with a disability, ages three through five.

(b) The money shall be distributed on the basis of the school district's count of preschool children with a disability for December 1 of the previous year, as mandated by federal law.

(2) Money appropriated for the extended school year program for children with a severe disability shall be limited to students with severe disabilities with education program goals identifying significant regression and recoupment disability as approved by the State Board of Education.

(3) (a) Money appropriated for self-contained regular special education programs may not be used to supplement other school programs.

(b) Money in any of the other restricted line item appropriations may not be

reduced more than 2% to be used for purposes other than those specified by the appropriation, unless otherwise provided by law.

(4) (a) The State Board of Education shall compute preschool funding by a factor of 1.47 times the current December 1 child count of eligible preschool aged three, four, and five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.

(b) The board shall develop guidelines to implement the funding formula for preschool special education, and establish prevalence limits for distribution of the money.

(5) Of the money appropriated for Special Education - State Programming, the State Board of Education shall distribute the revenue generated from 909 WPUs to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special educators for additional days of work pursuant to the requirements of Section 53A-17a-158.

Amended by Chapter 359, 2011 General Session

Amended by Chapter 366, 2011 General Session

53A-17a-113. Weighted pupil units for career and technical education programs -- Funding of approved programs -- Performance measures -- Qualifying criteria.

(1) (a) Money appropriated to the State Board of Education for approved career and technical education programs and the comprehensive guidance program:

(i) shall be allocated to eligible recipients as provided in Subsections (2), (3), (4), and (5); and

(ii) may not be used to fund programs below the ninth grade level.

(b) Subsection (1)(a)(ii) does not apply to the following programs:

(i) comprehensive guidance;

(ii) Technology-Life-Careers; and

(iii) work-based learning programs.

(2) (a) Weighted pupil units are computed for pupils in approved programs.

(b) (i) The board shall fund approved programs based upon hours of membership of 9th through 12th grade students.

(ii) Subsection (2)(b)(i) does not apply to the following programs:

(A) comprehensive guidance;

(B) Technology-Life-Careers; and

(C) work-based learning programs.

(c) The board shall use an amount not to exceed 20% of the total appropriation under this section to fund approved programs based on performance measures such as placement and competency attainment defined in standards set by the board.

(d) Leadership organization funds shall constitute an amount not to exceed 1% of the total appropriation under this section, and shall be distributed to each local educational agency sponsoring career and technical education student leadership organizations based on the agency's share of the state's total membership in those organizations.

(e) The board shall make the necessary calculations for distribution of the

appropriation to school districts and may revise and recommend changes necessary for achieving equity and ease of administration.

(3) (a) Twenty weighted pupil units shall be computed for career and technical education administrative costs for each district, except 25 weighted pupil units may be computed for each district that consolidates career and technical education administrative services with one or more other districts.

(b) Between 10 and 25 weighted pupil units shall be computed for each high school conducting approved career and technical education programs in a district according to standards established by the board.

(c) Forty weighted pupil units shall be computed for each district that operates an approved career and technical education center.

(d) Between five and seven weighted pupil units shall be computed for each summer career and technical education agriculture program according to standards established by the board.

(e) The board shall, by rule, establish qualifying criteria for districts to receive weighted pupil units under this Subsection (3).

(4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall be allocated using average daily membership in approved programs for the previous year.

(b) A district that has experienced student growth in grades 9 through 12 for the previous year shall have the growth factor applied to the previous year's weighted pupil units when calculating the allocation of money under this Subsection (4).

(5) Of the money allocated to comprehensive guidance programs pursuant to board rules, \$1,000,000 in grants shall be awarded to school districts or charter schools that:

(a) provide an equal amount of matching funds; and

(b) do not supplant other funds used for comprehensive guidance programs.

(6) (a) The board shall establish rules for the upgrading of high school career and technical education programs.

(b) The rules shall reflect career and technical training and actual marketable job skills in society.

(c) The rules shall include procedures to assist school districts to convert existing programs which are not preparing students for the job market into programs that will accomplish that purpose.

(7) Programs that do not meet board standards may not be funded under this section.

Amended by Chapter 3, 2010 General Session

53A-17a-114. Career and technical education program alternatives.

(1) A secondary student may attend a campus of the Utah College of Applied Technology created under Title 53B, Chapter 2a, Utah College of Applied Technology, if the secondary student's career and technical education goals are better achieved by attending the Utah College of Applied Technology as determined by:

(a) the secondary student; and

(b) if the secondary student is a minor, the secondary student's parent or legal

guardian.

(2) Beginning with the school year that occurs during the fiscal year that begins on July 1, 2011 and ends on June 30, 2012, a secondary student served under this section in a campus of the Utah College of Applied Technology shall be counted in the average daily membership of the sending school district or charter school.

Amended by Chapter 288, 2012 General Session

53A-17a-116. Weighted pupil units for career and technical education set-aside programs.

(1) Each district shall receive a guaranteed minimum allocation from the money appropriated to the State Board of Education for a career and technical education set-aside program.

(2) The set-aside funds remaining after the initial minimum payment allocation are distributed by an RFP process to help pay for equipment costs necessary to initiate new programs and for high priority programs as determined by labor market information.

Amended by Chapter 3, 2010 General Session

53A-17a-119. Appropriation for adult education programs.

(1) Money appropriated to the State Board of Education for adult education shall be allocated to local school boards for adult high school completion and adult basic skills programs.

(2) Each district shall receive its pro rata share of the appropriation for adult high school completion programs based on the number of people listed in the latest official census who are over 18 years of age and who do not have a high school diploma and prior year participation or as approved by board rule.

(3) On February 1 of each school year, the State Board of Education shall recapture money not used for an adult high school completion program for reallocation to districts that have implemented programs based on need and effort as determined by the board.

(4) To the extent of money available, school districts shall provide programs to adults who do not have a diploma and who intend to graduate from high school, with particular emphasis on homeless individuals who are seeking literacy and life skills.

(5) Overruns in adult education in any district may not reduce the value of the weighted pupil unit for this program in another district.

(6) School districts shall spend money on adult basic skills programs according to standards established by the board.

Amended by Chapter 3, 2010 General Session

53A-17a-120.5. Appropriation for concurrent enrollment.

(1) Money appropriated to the State Board of Education for concurrent enrollment shall be allocated as follows:

(a) the money shall first be allocated proportionally, based upon student credit

hour delivered, between courses that are:

- (i) taught by public school educators; and
- (ii) taught by college or university faculty;
- (b) from the money allocated under Subsection (1)(a)(i):
 - (i) 60% of the money shall be allocated to local school boards and charter schools; and
 - (ii) 40% of the money shall be allocated to the State Board of Regents; and
- (c) from the money allocated under Subsection (1)(a)(ii):
 - (i) 40% of the money shall be allocated to local school boards and charter schools; and
 - (ii) 60% of the money shall be allocated to the State Board of Regents.

(2) The State Board of Education shall make rules providing that a school participating in the concurrent enrollment programs offered under Section 53A-15-101 shall receive an allocation from the money described in Subsection (1) as provided in Section 53A-15-101.

(3) The State Board of Regents shall make rules providing that an institution of higher education participating in the concurrent enrollment programs offered under Section 53A-15-101 shall receive an allocation from the money described in Subsection (1) as provided in the rules.

(4) Subject to budget constraints, the Legislature shall annually increase the money appropriated to the State Board of Education for concurrent enrollment based on:

- (a) enrollment growth in concurrent enrollment from additional students enrolled, courses offered, and credit hours taken; and
- (b) the percentage increase in the value of the weighted pupil unit.

(5) (a) The State Board of Education and the State Board of Regents shall annually report to the Public Education Appropriations Subcommittee:

- (i) an accounting of the money appropriated for concurrent enrollment; and
 - (ii) a justification of the split described in Subsections (1)(a) and (b).
- (b) The State Board of Regents shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted.

(6) In order to qualify for funds under this section, a concurrent enrollment program shall comply with the requirements described in Section 53A-15-101, including rules adopted in accordance with Subsection 53A-15-101(3).

Amended by Chapter 3, 2010 General Session

53A-17a-124. Quality Teaching Block Grant Program -- State contributions.

(1) The State Board of Education shall distribute money appropriated for the Quality Teaching Block Grant Program to school districts and charter schools according to a formula adopted by the board, after consultation with school districts and charter schools, that allocates the funding in a fair and equitable manner.

(2) School districts and charter schools shall use Quality Teaching Block Grant money to implement professional learning that meets the standards specified in Section

53A-3-701.

Amended by Chapter 346, 2014 General Session

53A-17a-124.5. Appropriation for class size reduction.

(1) Money appropriated to the State Board of Education for class size reduction shall be used to reduce the average class size in kindergarten through the eighth grade in the state's public schools.

(2) Each district or charter school shall receive its allocation based upon prior year average daily membership in kindergarten through grade 8 plus growth as determined under Subsection 53A-17a-106(3) as compared to the total prior year average daily membership in kindergarten through grade 8 plus growth of school districts and charter schools that qualify for an allocation pursuant to Subsection (8).

(3) (a) A district may use its allocation to reduce class size in any one or all of the grades referred to under this section, except as otherwise provided in Subsection (3)(b).

(b) (i) Each district or charter school shall use 50% of its allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an emphasis on improving student reading skills.

(ii) If a district's or charter school's average class size is below 18 in grades kindergarten through grade 2, it may petition the state board for, and the state board may grant, a waiver to use its allocation under Subsection (3)(b)(i) for class size reduction in the other grades.

(4) Schools may use nontraditional innovative and creative methods to reduce class sizes with this appropriation and may use part of their allocation to focus on class size reduction for specific groups, such as at risk students, or for specific blocks of time during the school day.

(5) (a) A school district or charter school may use up to 20% of its allocation under Subsection (1) for capital facilities projects if such projects would help to reduce class size.

(b) If a school district's or charter school's student population increases by 5% or 700 students from the previous school year, the school district or charter school may use up to 50% of any allocation it receives under this section for classroom construction.

(6) This appropriation is to supplement any other appropriation made for class size reduction.

(7) The Legislature shall provide for an annual adjustment in the appropriation authorized under this section in proportion to the increase in the number of students in the state in kindergarten through grade eight.

(8) (a) To qualify for class size reduction money, a school district or charter school shall submit:

(i) a plan for the use of the school district's or charter school's allocation of class size reduction money to the State Board of Education; and

(ii) beginning with the 2014-15 school year, a report on the school district's or charter school's use of class size reduction money in the prior school year.

(b) The plan and report required pursuant to Subsection (8)(a) shall include the

following information:

- (i) (A) the number of teachers employed using class size reduction money;
- (B) the amount of class size reduction money expended for teachers; and
- (C) if supplemental school district or charter school funds are expended to pay for teachers employed using class size reduction money, the amount of the supplemental money;

- (ii) (A) the number of paraprofessionals employed using class size reduction money;

- (B) the amount of class size reduction money expended for paraprofessionals; and

- (C) if supplemental school district or charter school funds are expended to pay for paraprofessionals employed using class size reduction money, the amount of the supplemental money; and

- (iii) the amount of class size reduction money expended for capital facilities.

- (c) In addition to submitting a plan and report on the use of class size reduction money, a school district or charter school shall annually submit a report to the State Board of Education that includes the following information:

- (i) the number of teachers employed using K-3 Reading Improvement Program money received pursuant to Sections 53A-17a-150 and 53A-17a-151;

- (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

- (iii) the number of teachers employed in kindergarten through grade 8 using Title I money;

- (iv) the amount of Title I money expended for teachers in kindergarten through grade 8; and

- (v) a comparison of actual average class size by grade in grades kindergarten through 8 in the school district or charter school with what the average class size would be without the expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

- (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C), (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's teaching assignment, such as the grade level, course, or subject taught.

- (e) The State Board of Education may make rules specifying procedures and standards for the submission of:

- (i) a plan and a report on the use of class size reduction money as required by this section; and

- (ii) a report required under Subsection (8)(c).

- (f) Based on the data contained in the class size reduction plans and reports submitted by school districts and charter schools, and data on average class size, the State Board of Education shall annually report to the Education Interim Committee on the impact of class size reduction, K-3 Reading Improvement Program, and Title I money on class size.

Amended by Chapter 299, 2013 General Session

53A-17a-125. Appropriation for retirement and Social Security.

(1) The employee's retirement contribution shall be 1% for employees who are under the state's contributory retirement program.

(2) The employer's contribution under the state's contributory retirement program is determined under Section 49-12-301, subject to the 1% contribution under Subsection (1).

(3) (a) The employer-employee contribution rate for employees who are under the state's noncontributory retirement program is determined under Section 49-13-301.

(b) The same contribution rate used under Subsection (3)(a) shall be used to calculate the appropriation for charter schools described under Subsection (5).

(4) (a) Money appropriated to the State Board of Education for retirement and Social Security money shall be allocated to school districts and charter schools based on a district's or charter school's total weighted pupil units compared to the total weighted pupil units for all districts in the state.

(b) Subject to budget constraints, money needed to support retirement and Social Security shall be determined by taking the district's prior year allocation and adjusting it for:

(i) student growth;

(ii) the percentage increase in the value of the weighted pupil unit; and

(iii) the effect of any change in the rates for retirement, Social Security, or both.

(5) A charter school that has made an election of nonparticipation in the Utah State Retirement Systems in accordance with Section 53A-1a-512 and Title 49, Utah State Retirement and Insurance Benefit Act, shall use the funds described under this section for retirement to provide its own compensation, benefit, and retirement programs.

Amended by Chapter 3, 2010 General Session

53A-17a-126. State support of pupil transportation.

(1) Money appropriated to the State Board of Education for state-supported transportation of public school students shall be apportioned and distributed in accordance with Section 53A-17a-127, except as otherwise provided in this section.

(2) (a) The Utah Schools for the Deaf and the Blind shall use its allocation of pupil transportation money to pay for transportation of their students based on current valid contractual arrangements and best transportation options and methods as determined by the schools.

(b) All student transportation costs of the schools shall be paid from the allocation of pupil transportation money specified in statute.

(3) (a) A school district may only claim eligible transportation costs as legally reported on the prior year's annual financial report submitted under Section 53A-3-404.

(b) The state shall contribute 85% of approved transportation costs, subject to budget constraints.

(c) If in a fiscal year the total transportation allowance for all districts exceeds the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not more than the amount appropriated.

Amended by Chapter 398, 2012 General Session

53A-17a-127. Eligibility for state-supported transportation -- Approved bus routes -- Additional local tax.

(1) A student eligible for state-supported transportation means:

(a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles from school;

(b) a student enrolled in grades seven through 12 who lives at least two miles from school; and

(c) a student enrolled in a special program offered by a school district and approved by the State Board of Education for trainable, motor, multiple-disability, or other students with severe disabilities who are incapable of walking to school or where it is unsafe for students to walk because of their disabling condition, without reference to distance from school.

(2) If a school district implements double sessions as an alternative to new building construction, with the approval of the State Board of Education, those affected elementary school students residing less than 1-1/2 miles from school may be transported one way to or from school because of safety factors relating to darkness or other hazardous conditions as determined by the local school board.

(3) (a) The State Board of Education shall distribute transportation money to school districts based on:

(i) an allowance per mile for approved bus routes;

(ii) an allowance per hour for approved bus routes; and

(iii) a minimum allocation for each school district eligible for transportation funding.

(b) The State Board of Education shall distribute appropriated transportation funds based on the prior year's eligible transportation costs as legally reported under Subsection 53A-17a-126(3).

(c) The State Board of Education shall annually review the allowance per mile and the allowance per hour and adjust the allowances to reflect current economic conditions.

(4) (a) Approved bus routes for funding purposes shall be determined on fall data collected by October 1.

(b) Approved route funding shall be determined on the basis of the most efficient and economic routes.

(5) A Transportation Advisory Committee with representation from local school superintendents, business officials, school district transportation supervisors, and the state superintendent's staff shall serve as a review committee for addressing school transportation needs, including recommended approved bus routes.

(6) (a) Except as provided in Subsection (6)(e), a local school board may provide for the transportation of students regardless of the distance from school, from:

(i) general funds of the district; and

(ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

(b) A local school board may use revenue from the tax described in Subsection (6)(a)(ii) to pay for transporting students and for the replacement of school buses.

(c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002, the state may contribute an amount not to exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating funds for a state contribution.

(ii) The state superintendent's staff shall distribute the state contribution according to rules enacted by the State Board of Education.

(d) (i) The amount of state guarantee money which a school district would otherwise be entitled to receive under Subsection (6)(c) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation.

(ii) Subsection (6)(d)(i) applies for a period of two years following the change in the certified tax rate.

(e) Beginning January 1, 2012, a local school board may not impose a tax in accordance with this Subsection (6).

(7) (a) (i) If a local school board expends an amount of revenue equal to at least .0002 per dollar of taxable value of the school district's board local levy imposed under Section 53A-17a-164 for the uses described in Subsection (6)(b), the state may contribute an amount not to exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating funds for a state contribution.

(ii) The state superintendent's staff shall distribute the state contribution according to rules enacted by the State Board of Education.

(b) (i) The amount of state guarantee money that a school district would otherwise be entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation.

(ii) Subsection (7)(b)(i) applies for a period of two years following the change in the certified tax rate.

Amended by Chapter 366, 2011 General Session

Amended by Chapter 371, 2011 General Session

53A-17a-131.15. State contribution for the Electronic High School.

Money appropriated to the State Board of Education for the Electronic High School shall be distributed to the school according to rules established by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 3, 2010 General Session

53A-17a-131.17. State contribution for School LAND Trust Program.

(1) If the amount of money prescribed for funding the School LAND Trust Program in Section 53A-16-101.5 is less than or greater than the money appropriated for the School LAND Trust Program, the appropriation shall be equal to the amount of money prescribed for funding the School LAND Trust Program in Section 53A-16-101.5, up to a maximum of an amount equal to 2% of the funds provided for the Minimum School Program.

(2) The State Board of Education shall distribute the money appropriated in Subsection (1) in accordance with Section 53A-16-101.5 and rules established by the

board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 3, 2010 General Session

53A-17a-133. State-supported voted local levy authorized -- Election requirements -- State guarantee -- Reconsideration of the program.

(1) As used in this section, "voted and board local levy funding balance" means the difference between:

(a) the amount appropriated for the voted and board local levy program in a fiscal year; and

(b) the amount necessary to provide the state guarantee per weighted pupil unit as determined under this section and Section 53A-17a-164 in the same fiscal year.

(2) An election to consider adoption or modification of a voted local levy is required if initiative petitions signed by 10% of the number of electors who voted at the last preceding general election are presented to the local school board or by action of the board.

(3) (a) (i) To impose a voted local levy, a majority of the electors of a district voting at an election in the manner set forth in Subsections (9) and (10) must vote in favor of a special tax.

(ii) The tax rate may not exceed .002 per dollar of taxable value.

(b) Except as provided in Subsection (3)(c), in order to receive state support the first year, a district must receive voter approval no later than December 1 of the year prior to implementation.

(c) Beginning on or after January 1, 2012, a school district may receive state support in accordance with Subsection (4) without complying with the requirements of Subsection (3)(b) if the local school board imposed a tax in accordance with this section during the taxable year beginning on January 1, 2011 and ending on December 31, 2011.

(4) (a) In addition to the revenue a school district collects from the imposition of a levy pursuant to this section, the state shall contribute an amount sufficient to guarantee \$27.36 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

(b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per dollar of taxable value if a school district levies a tax rate under both programs.

(c) (i) Beginning July 1, 2014, the \$27.36 guarantee under Subsections (4)(a) and (b) shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12 program by making the value of the guarantee equal to .00963 times the value of the prior year's weighted pupil unit for the grades 1 through 12 program.

(ii) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil unit for the grades 1 through 12 program for each succeeding year subject to the Legislature appropriating funds for an increase in the guarantee.

(d) (i) The amount of state guarantee money to which a school district would otherwise be entitled to receive under this Subsection (4) may not be reduced for the

sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (4)(d)(i) applies for a period of five years following any such change in the certified tax rate.

(e) The guarantee provided under this section does not apply to the portion of a voted local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal year, unless an increase in the voted local levy rate was authorized in an election conducted on or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

(f) (i) If a voted and board local levy funding balance exists for the prior fiscal year, the State Board of Education shall:

(A) use the voted and board local levy funding balance to increase the value of the state guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year; and

(B) distribute the state contribution to the voted and board local levy programs to school districts based on the increased value of the state guarantee per weighted pupil unit described in Subsection (4)(f)(i)(A).

(ii) The State Board of Education shall report action taken under this Subsection (4)(f) to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.

(5) (a) An election to modify an existing voted local levy is not a reconsideration of the existing authority unless the proposition submitted to the electors expressly so states.

(b) A majority vote opposing a modification does not deprive the district of authority to continue the levy.

(c) If adoption of a voted local levy is contingent upon an offset reducing other local school board levies, the board must allow the electors, in an election, to consider modifying or discontinuing the imposition of the levy prior to a subsequent increase in other levies that would increase the total local school board levy.

(d) Nothing contained in this section terminates, without an election, the authority of a school district to continue imposing an existing voted local levy previously authorized by the voters as a voted leeway program.

(6) Notwithstanding Section 59-2-919, a school district may budget an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section in addition to revenue from new growth as defined in Subsection 59-2-924(4), without having to comply with the notice requirements of Section 59-2-919, if:

(a) the voted local levy is approved:

(i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and

(ii) within the four-year period immediately preceding the year in which the school district seeks to budget an increased amount of ad valorem property tax revenue derived from the voted local levy; and

(b) for a voted local levy approved or modified in accordance with this section on or after January 1, 2009, the school district complies with the requirements of Subsection (8).

(7) Notwithstanding Section 59-2-919, a school district may levy a tax rate under

this section that exceeds the certified tax rate without having to comply with the notice requirements of Section 59-2-919 if:

- (a) the levy exceeds the certified tax rate as the result of a school district budgeting an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section;
- (b) the voted local levy was approved:
 - (i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and
 - (ii) within the four-year period immediately preceding the year in which the school district seeks to budget an increased amount of ad valorem property tax revenue derived from the voted local levy; and
- (c) for a voted local levy approved or modified in accordance with this section on or after January 1, 2009, the school district complies with requirements of Subsection (8).

(8) For purposes of Subsection (6)(b) or (7)(c), the proposition submitted to the electors regarding the adoption or modification of a voted local levy shall contain the following statement:

"A vote in favor of this tax means that (name of the school district) may increase revenue from this property tax without advertising the increase for the next five years."

(9) (a) Before imposing a property tax levy pursuant to this section, a school district shall submit an opinion question to the school district's registered voters voting on the imposition of the tax rate so that each registered voter has the opportunity to express the registered voter's opinion on whether the tax rate should be imposed.

(b) The election required by this Subsection (9) shall be held:

- (i) at a regular general election conducted in accordance with the procedures and requirements of Title 20A, Election Code, governing regular elections;
- (ii) at a municipal general election conducted in accordance with the procedures and requirements of Section 20A-1-202; or
- (iii) at a local special election conducted in accordance with the procedures and requirements of Section 20A-1-203.

(c) Notwithstanding the requirements of Subsections (9)(a) and (b), beginning on or after January 1, 2012, a school district may levy a tax rate in accordance with this section without complying with the requirements of Subsections (9)(a) and (b) if the school district imposed a tax in accordance with this section at any time during the taxable year beginning on January 1, 2011, and ending on December 31, 2011.

(10) If a school district determines that a majority of the school district's registered voters voting on the imposition of the tax rate have voted in favor of the imposition of the tax rate in accordance with Subsection (9), the school district may impose the tax rate.

Amended by Chapter 189, 2014 General Session

53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.

(1) Except as provided in Subsection (9), a local school board may levy a tax rate of up to .0004 per dollar of taxable value to maintain a school program above the cost of the basic school program as follows:

(a) a local school board shall use the money generated by the tax for class size reduction within the school district;

(b) if a local school board determines that the average class size in the school district is not excessive, it may use the money for other school purposes but only if the board has declared the use for other school purposes in a public meeting prior to levying the tax rate; and

(c) a district may not use the money for other school purposes under Subsection (1)(b) until it has certified in writing that its class size needs are already being met and has identified the other school purposes for which the money will be used to the State Board of Education and the state board has approved their use for other school purposes.

(2) (a) The state shall contribute an amount sufficient to guarantee \$27.36 per weighted pupil unit for each .0001 per dollar of taxable value.

(b) The guarantee shall increase in the same manner as provided for the voted local levy guarantee in Subsection 53A-17a-133(4)(c).

(c) (i) The amount of state guarantee money to which a school district would otherwise be entitled to under this Subsection (2) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (2)(c)(i) applies for a period of five years following any such change in the certified tax rate.

(d) The guarantee provided under this section does not apply to:

(i) a board-authorized leeway in the first fiscal year the leeway is in effect, unless the leeway was approved by voters pursuant to Subsections (4) through (6); or

(ii) the portion of a board-authorized leeway rate that is in excess of the board-authorized leeway rate that was in effect for the previous fiscal year.

(3) The levy authorized under this section is not in addition to the maximum rate of .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax rate under that section.

(4) As an exception to Section 53A-17a-133, the board-authorized levy does not require voter approval, but the board may require voter approval if requested by a majority of the board.

(5) An election to consider disapproval of the board-authorized levy is required, if within 60 days after the levy is established by the board, referendum petitions signed by the number of legal voters required in Section 20A-7-301, who reside within the school district, are filed with the school district.

(6) (a) A local school board shall establish its board-approved levy by April 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an election is required under this section, the levy applies to the fiscal year beginning July 1 of the next calendar year.

(b) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur at a general election in even-numbered years, except that a vote required under this section in odd-numbered years shall occur at a special election held on a day in odd-numbered years that corresponds to the general election date. The school district shall pay for the cost of a special election.

(7) (a) Modification or termination of a voter-approved leeway rate authorized

under this section is governed by Section 53A-17a-133.

(b) A board-authorized leeway rate may be modified or terminated by a majority vote of the board subject to disapproval procedures specified in this section.

(8) A board levy election does not require publication of a voter information pamphlet.

(9) Beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

Amended by Chapter 178, 2013 General Session

53A-17a-135. Minimum basic tax rate -- Certified revenue levy.

(1) (a) In order to qualify for receipt of the state contribution toward the basic program and as its contribution toward its costs of the basic program, each school district shall impose a minimum basic tax rate per dollar of taxable value that generates \$296,709,700 in revenues statewide.

(b) The preliminary estimate for the 2014-15 minimum basic tax rate is .001477.

(c) The State Tax Commission shall certify on or before June 22 the rate that generates \$296,709,700 in revenues statewide.

(d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section 53A-17a-103, the state is subject to the notice requirements of Section 59-2-926.

(2) (a) The state shall contribute to each district toward the cost of the basic program in the district that portion which exceeds the proceeds of the levy authorized under Subsection (1).

(b) In accord with the state strategic plan for public education and to fulfill its responsibility for the development and implementation of that plan, the Legislature instructs the State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each of the coming five years to develop budgets that will fully fund student enrollment growth.

(3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the cost of the basic program in a school district, no state contribution shall be made to the basic program.

(b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of the basic program shall be paid into the Uniform School Fund as provided by law.

Amended by Chapter 4, 2014 General Session

53A-17a-136. Cost of operation and maintenance of minimum school program -- Division between state and school districts.

(1) The total cost of operation and maintenance of the minimum school program in the state is divided between the state and school districts as follows:

(a) Each school district shall impose a minimum basic tax rate on all taxable, tangible property in the school district and shall contribute the tax proceeds toward the cost of the basic program as provided in this chapter.

(b) Each school district may also impose a levy for the purpose of participating

in the levy programs provided in Section 53A-17a-133 or 53A-17a-164.

(c) The state shall contribute the balance of the total costs.

(2) The contributions by the school districts and by the state are computed separately for the purpose of determining their respective contributions to the basic program and to the levy programs provided in Section 53A-17a-133 or 53A-17a-164.

Amended by Chapter 371, 2011 General Session

53A-17a-139. Loss in student enrollment -- Board action.

To avoid penalizing a school district financially for an excessive loss in student enrollment due to factors beyond its control, the State Board of Education may allow a percentage increase in units otherwise allowable during any year when a district's average daily membership drops more than 4% below the average for the highest two of the preceding three years in the district.

Enacted by Chapter 72, 1991 General Session

53A-17a-140. Contracts with teachers.

A school district may not enter into contracts with teachers that would prevent the district from paying differential salaries or putting limitations on an individual salary paid in order to fill a shortage in specific teaching areas.

Enacted by Chapter 72, 1991 General Session

53A-17a-141. Alternative programs.

(1) Since the State Board of Education has adopted a policy that requires districts to grant credit for proficiency through alternative programs, school districts are encouraged to continue and expand their cooperation with accredited institutions through performance contracts for educational services, particularly where it is beneficial to students whose progress could be better served through alternative programs.

(2) School districts are encouraged to participate in programs that focus on increasing the number of ethnic minority and female students in the secondary schools who will go on to study mathematics, engineering, or related sciences at an institution of higher education.

Enacted by Chapter 72, 1991 General Session

53A-17a-143. Federal Impact Aid Program -- Offset for underestimated allocations from the Federal Impact Aid Program.

(1) In addition to the revenues received from the levy imposed by each school district and authorized by the Legislature under Section 53A-17a-135, the Legislature shall provide an amount equal to the difference between the district's anticipated receipts under the entitlement for the fiscal year from the Federal Impact Aid Program and the amount the district actually received from this source for the next preceding fiscal year.

(2) If at the end of a fiscal year the sum of the receipts of a school district from a distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the district from the Federal Impact Aid Program for the next preceding fiscal year, the excess funds are carried into the next succeeding fiscal year and become in that year a part of the district's contribution to its basic program for operation and maintenance under the state minimum school finance law.

(3) During that year the district's required tax rate for the basic program shall be reduced so that the yield from the reduced tax rate plus the carryover funds equal the district's required contribution to its basic program.

(4) A district that reduces its basic tax rate under this section shall receive state minimum school program funds as though the reduction in the tax rate had not been made.

Amended by Chapter 371, 2011 General Session

53A-17a-144. Contribution of state to cost of minimum school program -- Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.

The state's contribution to the total cost of the minimum school program is determined and distributed as follows:

(1) The State Tax Commission shall levy an amount determined by the Legislature on all taxable property of the state.

(a) This amount, together with other funds provided by law, is the state's contribution to the minimum school program.

(b) The statewide levy is set at zero until changed by the Legislature.

(2) During the first week in November, the State Tax Commission shall certify to the State Board of Education the amounts designated as state aid for each district under Section 59-2-902.

(3) (a) The actual amounts computed under Section 59-2-902 are the state's contribution to the minimum school program of each district.

(b) The state board shall provide each district with a statement of the amount of state aid.

(4) Prior to the first day of each month, the state treasurer and the Division of Finance, with the approval of the State Board of Education, shall disburse 1/12 of the state's contribution to the cost of the minimum school program to each school district.

(a) A disbursement may not be made to a district whose payments have been interrupted under Subsection (4)(d).

(b) Discrepancies between the monthly disbursements and the actual cost of the program shall be adjusted in the final settlement under Subsection (5).

(c) If the monthly distributions overdraw the money in the Uniform School Fund, the Division of Finance is authorized to run this fund in a deficit position.

(d) The state board may interrupt disbursements to a district if, in the judgment of the board, the district is failing to comply with the minimum school program, is operating programs that are not approved by the state board, or has not submitted reports required by law or the state board.

(i) Disbursements shall be resumed upon request of the state board.

(ii) Back disbursements shall be included in the next regular disbursement, and the amount disbursed certified to the State Division of Finance and state treasurer by the state board.

(e) The State Board of Education may authorize exceptions to the 1/12 per month disbursement formula for grant funds if the board determines that a different disbursement formula would better serve the purposes of the grant.

(5) (a) If money in the Uniform School Fund is insufficient to meet the state's contribution to the minimum school program as appropriated, the amount of the deficiency thus created shall be carried as a deficiency in the Uniform School Fund until the next session of the Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

(b) If there is an operating deficit in public education Uniform School Fund appropriations, the Legislature shall eliminate the deficit by:

(i) budget transfers or other legal means;
(ii) appropriating money from the Education Budget Reserve Account;
(iii) appropriating up to 25% of the balance in the General Fund Budget Reserve Account; or
(iv) some combination of Subsections (5)(b)(i), (ii), and (iii).

(c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more than 25% of the balance in the General Fund Budget Reserve Account to fund operating deficits in public education appropriations.

Amended by Chapter 342, 2011 General Session

53A-17a-145. Additional levy by district for debt service, school sites, buildings, buses, textbooks, and supplies.

(1) Except as provided in Subsection (5), a school district may elect to increase its tax rate by up to 10% of the cost of the basic program.

(2) The proceeds from the increase may only be used for debt service, the construction or remodeling of school buildings, or the purchase of school sites, buses, equipment, textbooks, and supplies.

(3) This section does not prohibit a district from exercising the authority granted by other laws relating to tax rates.

(4) This increase in the tax rate is not included in determining the apportionment of the State School Fund, and is in addition to other tax rates authorized by law.

(5) Beginning January 1, 2012, a school district may not:

(a) levy a tax rate in accordance with this section; or
(b) increase its tax rate as described in Subsection (1).

Amended by Chapter 371, 2011 General Session

53A-17a-146. Reduction of district allocation based on insufficient revenues.

(1) As used in this section, "Minimum School Program funds" means the total of state and local funds appropriated for the Minimum School Program, excluding:

(a) the state-supported voted local levy program pursuant to Section

53A-17a-133;

(b) the state-supported board local levy program pursuant to Section 53A-17a-164; and

(c) the appropriation to charter schools to replace local property tax revenues pursuant to Section 53A-1a-513.

(2) If the Legislature reduces appropriations made to support public schools under this chapter because an Education Fund budget deficit, as defined in Section 63J-1-312, exists, the State Board of Education, after consultation with each school district and charter school, shall allocate the reduction among school districts and charter schools in proportion to each school district's or charter school's percentage share of Minimum School Program funds.

(3) Except as provided in Subsection (5) and subject to the requirements of Subsection (7), a school district or charter school shall determine which programs are affected by a reduction pursuant to Subsection (2) and the amount each program is reduced.

(4) Except as provided in Subsections (5) and (6), the requirement to spend a specified amount in any particular program is waived if reductions are made pursuant to Subsection (2).

(5) A school district or charter school may not reduce or reallocate spending of funds distributed to the school district or charter school for the following programs:

- (a) educator salary adjustments provided in Section 53A-17a-153;
- (b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;
- (c) the extended year for special educators provided in Section 53A-17a-158;
- (d) USTAR centers provided in Section 53A-17a-159;
- (e) the School LAND Trust Program created in Section 53A-16-101.5; or
- (f) a special education program within the Basic School Program.

(6) A school district or charter school may not reallocate spending of funds distributed to the school district or charter school to a reserve account.

(7) A school district or charter school that reduces or reallocates funds in accordance with this section shall report all transfers into, or out of, Minimum School Program programs to the State Board of Education as part of the school district or charter school's Annual Financial and Program report.

Amended by Chapter 371, 2011 General Session

Amended by Chapter 381, 2011 General Session

53A-17a-147. Use of funds for approved programs -- Assessment of funded programs.

(1) Funds appropriated under this chapter shall only be used for programs approved by the State Board of Education.

(2) The State Board of Education shall assess the progress and degree of effectiveness of all programs funded under this chapter.

Amended by Chapter 221, 2003 General Session

53A-17a-150. K-3 Reading Improvement Program.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Five domains of reading" include phonological awareness, phonics, fluency, comprehension, and vocabulary.
 - (c) "Program" means the K-3 Reading Improvement Program.
 - (d) "Program money" means:
 - (i) school district revenue allocated to the program from other money available to the school district, except money provided by the state, for the purpose of receiving state funds under this section; and
 - (ii) money appropriated by the Legislature to the program.
- (2) The K-3 Reading Improvement Program consists of program money and is created to supplement other school resources to achieve the state's goal of having third graders reading at or above grade level.
- (3) Subject to future budget constraints, the Legislature may annually appropriate money to the K-3 Reading Improvement Program.
- (4) (a) To receive program money, a school district or charter school must submit a plan to the board for reading proficiency improvement that incorporates the following components:
 - (i) assessment;
 - (ii) intervention strategies;
 - (iii) professional development for classroom teachers in kindergarten through grade three;
 - (iv) reading performance standards; and
 - (v) specific measurable goals that include the following:
 - (A) a growth goal for each school within a school district and each charter school based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53A-1-606.6; and
 - (B) a growth goal for each school district and charter school to increase the percentage of third grade students who read on grade level from year to year as measured by the third grade reading test administered pursuant to Section 53A-1-603.
- (b) The board shall provide model plans which a school district or charter school may use, or the school district or charter school may develop its own plan.
- (c) Plans developed by a school district or charter school shall be approved by the board.
- (d) The board shall develop uniform standards for acceptable growth goals that a school district or charter school adopts as described in this Subsection (4).
- (5) (a) There is created within the K-3 Reading Achievement Program three funding programs:
 - (i) the Base Level Program;
 - (ii) the Guarantee Program; and
 - (iii) the Low Income Students Program.
- (b) The board may use no more than \$7,500,000 from an appropriation described in Subsection (3) for computer-assisted instructional learning and assessment programs.
- (6) Money appropriated to the board for the K-3 Reading Improvement Program and not used by the board for computer-assisted instructional learning and

assessments as described in Subsection (5)(b), shall be allocated to the three funding programs as follows:

- (a) 8% to the Base Level Program;
- (b) 46% to the Guarantee Program; and
- (c) 46% to the Low Income Students Program.

(7) (a) To participate in the Base Level Program, a school district or charter school shall submit a reading proficiency improvement plan to the board as provided in Subsection (4) and must receive approval of the plan from the board.

(b) (i) Each school district qualifying for Base Level Program funds and the qualifying elementary charter schools combined shall receive a base amount.

(ii) The base amount for the qualifying elementary charter schools combined shall be allocated among each school in an amount proportionate to:

(A) each existing charter school's prior year fall enrollment in grades kindergarten through grade three; and

(B) each new charter school's estimated fall enrollment in grades kindergarten through grade three.

(8) (a) A school district that applies for program money in excess of the Base Level Program funds shall choose to first participate in either the Guarantee Program or the Low Income Students Program.

(b) A school district must fully participate in either the Guarantee Program or the Low Income Students Program before it may elect to either fully or partially participate in the other program.

(c) To fully participate in the Guarantee Program, a school district shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056.

(d) To fully participate in the Low Income Students Program, a school district shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.

(e) (i) The board shall verify that a school district allocates the money required in accordance with Subsections (8)(c) and (d) before it distributes funds in accordance with this section.

(ii) The State Tax Commission shall provide the board the information the board needs in order to comply with Subsection (8)(e)(i).

(9) (a) Except as provided in (9)(c), a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:

(i) equal to the difference between \$21 times the district's total WPUs and the revenue the school district is required to allocate under Subsection (8)(c) to fully participate in the Guarantee Program; and

(ii) not less than \$0.

(b) Except as provided in (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the school's total WPUs.

(c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and (b) to account for actual appropriations and money used by the board for computer-assisted instructional learning and assessments.

(10) The board shall distribute Low Income Students Program funds in an

amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.

(11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.

(12) (a) A school district or charter school shall use program money for reading proficiency improvement interventions in grades kindergarten through grade 3 that have proven to significantly increase the percentage of students reading at grade level, including:

- (i) reading assessments; and
- (ii) focused reading remediations that may include:
 - (A) the use of reading specialists;
 - (B) tutoring;
 - (C) before or after school programs;
 - (D) summer school programs; or
 - (E) the use of reading software; or
 - (F) the use of interactive computer software programs for literacy instruction and assessments for students.

(b) A school district or charter school may use program money for portable technology devices used to administer reading assessments.

(c) Program money may not be used to supplant funds for existing programs, but may be used to augment existing programs.

(13) (a) Each school district and charter school shall annually submit a report to the board accounting for the expenditure of program money in accordance with its plan for reading proficiency improvement.

(b) On or before the November meeting of the Education Interim Committee of each year, the board shall report a summary of the reading improvement program expenditures of each school district and charter school.

(c) If a school district or charter school uses program money in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the board for the amount of program money improperly used, up to the amount of program money received from the board.

(14) (a) The board shall make rules to implement the program.

(b) (i) The rules under Subsection (14)(a) shall require each school district or charter school to annually report progress in meeting school and school district goals stated in the school district's or charter school's plan for student reading proficiency.

(ii) If a school does not meet or exceed the school's goals, the school district or charter school shall prepare a new plan which corrects deficiencies. The new plan must be approved by the board before the school district or charter school receives an allocation for the next year.

(15) (a) If for two consecutive school years, a school district fails to meet its goal to increase the percentage of third grade students who read on grade level as measured by the third grade reading test administered pursuant to Section 53A-1-603, the school district shall terminate any levy imposed under Section 53A-17a-151 and may not receive money appropriated by the Legislature for the K-3 Reading

Improvement Program.

(b) If for two consecutive school years, a charter school fails to meet its goal to increase the percentage of third grade students who read on grade level as measured by the third grade reading test administered pursuant to Section 53A-1-603, the charter school may not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

(16) The board shall make an annual report to the Public Education Appropriations Subcommittee that:

(a) includes information on:

(i) student learning gains in reading for the past school year and the five-year trend;

(ii) the percentage of third grade students reading on grade level in the past school year and the five-year trend;

(iii) the progress of schools and school districts in meeting goals stated in a school district's or charter school's plan for student reading proficiency; and

(iv) the correlation between third grade students reading on grade level and results of third grade language arts scores on a criterion-referenced test or computer adaptive test; and

(b) may include recommendations on how to increase the percentage of third grade students who read on grade level.

Amended by Chapter 466, 2013 General Session

53A-17a-151. Board leeway for reading improvement.

(1) Except as provided in Subsection (4), a local school board may levy a tax rate of up to .000121 per dollar of taxable value for funding the school district's K-3 Reading Improvement Program created under Section 53A-17a-150.

(2) The levy authorized under this section:

(a) is in addition to any other levy or maximum rate;

(b) does not require voter approval; and

(c) may be modified or terminated by a majority vote of the board.

(3) A local school board shall establish its board-approved levy under this section by June 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year.

(4) Beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

Amended by Chapter 371, 2011 General Session

53A-17a-153. Educator salary adjustments.

(1) As used in this section, "educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:

(a) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act; and

(b) a position as a:

(i) classroom teacher;

- (ii) speech pathologist;
- (iii) librarian or media specialist;
- (iv) preschool teacher;
- (v) mentor teacher;
- (vi) teacher specialist or teacher leader;
- (vii) guidance counselor;
- (viii) audiologist;
- (ix) psychologist; or
- (x) social worker.

(2) In recognition of the need to attract and retain highly skilled and dedicated educators, the Legislature shall annually appropriate money for educator salary adjustments, subject to future budget constraints.

(3) Money appropriated to the State Board of Education for educator salary adjustments shall be distributed to school districts, charter schools, and the Utah Schools for the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number of full-time-equivalent educator positions in school districts, charter schools, and the Utah Schools for the Deaf and the Blind.

(4) School districts, charter schools, and the Utah Schools for the Deaf and the Blind shall award bonuses to educators as follows:

(a) the amount of the salary adjustment shall be the same for each full-time-equivalent educator position in the school district, charter school, or the Utah Schools for the Deaf and the Blind;

(b) a person who is not a full-time educator shall receive a partial salary adjustment based on the number of hours the person works as an educator; and

(c) salary adjustments may be awarded only to educators who have received a satisfactory rating or above on their most recent evaluation.

(5) (a) Each school district and charter school and the Utah Schools for the Deaf and the Blind shall submit a report to the State Board of Education on how the money for salary adjustments was spent, including the amount of the salary adjustment and the number of full and partial salary adjustments awarded.

(b) The State Board of Education shall compile the information reported under Subsection (5) and submit it to the Public Education Appropriations Subcommittee by November 30 each year.

(6) The State Board of Education may make rules as necessary to administer this section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient money each year to:

- (i) maintain educator salary adjustments provided in prior years; and
- (ii) provide educator salary adjustments to new employees.

(b) Money appropriated for educator salary adjustments shall include money for the following employer-paid benefits:

- (i) retirement;
- (ii) worker's compensation;

- (iii) Social Security; and
- (iv) Medicare.
- (8) (a) Subject to future budget constraints, the Legislature shall:
 - (i) maintain the salary adjustments provided to school administrators in the 2007-08 school year; and
 - (ii) provide salary adjustments for new school administrators in the same amount as provided for existing school administrators.
- (b) The appropriation provided for educator salary adjustments shall include salary adjustments for school administrators as specified in Subsection (8)(a).
- (c) In distributing and awarding salary adjustments for school administrators, the State Board of Education, school districts, charter schools, and the Utah Schools for the Deaf and the Blind shall comply with the requirements for the distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

Amended by Chapter 3, 2010 General Session

53A-17a-154. Appropriation for school nurses.

The State Board of Education shall distribute money appropriated for school nurses to award grants to school districts and charter schools that:

- (1) provide an equal amount of matching funds; and
- (2) do not supplant other money used for school nurses.

Amended by Chapter 3, 2010 General Session

53A-17a-155. Appropriation for library books and electronic resources.

(1) The State Board of Education shall distribute money appropriated for library books and electronic resources as follows:

- (a) 25% shall be divided equally among all public schools; and
 - (b) 75% shall be divided among public schools based on each school's average daily membership as compared to the total average daily membership.
- (2) A school district or charter school may not use money distributed under Subsection (1) to supplant other money used to purchase library books or electronic resources.

Amended by Chapter 3, 2010 General Session

53A-17a-156. Teacher Salary Supplement Program -- Appeal process.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Eligible teacher" means a teacher who:
 - (i) has an assignment to teach:
 - (A) a secondary school level mathematics course;
 - (B) integrated science in grade seven or eight;
 - (C) chemistry; or
 - (D) physics;
 - (ii) holds the appropriate endorsement for the assigned course;

(iii) has qualifying educational background; and
(iv) (A) is a new employee; or
(B) received a satisfactory rating or above on the teacher's most recent evaluation.

(c) "Qualifying educational background" means:

(i) for a teacher who is assigned a secondary school level mathematics course:

(A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or

(B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements for a bachelor's degree major, master's degree, or doctoral degree in mathematics; and

(ii) for a teacher who is assigned a grade seven or eight integrated science course, chemistry course, or physics course, a bachelor's degree major, master's degree, or doctoral degree in:

(A) integrated science;

(B) chemistry;

(C) physics;

(D) physical science;

(E) general science; or

(F) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a degree listed in Subsections (1)(c)(ii)(A) through (E).

(2) (a) Subject to future budget constraints, the Legislature shall annually appropriate money to the Teacher Salary Supplement Restricted Account established in Section 53A-17a-157 to fund the Teacher Salary Supplement Program.

(b) Money appropriated for the Teacher Salary Supplement Program shall include money for the following employer-paid benefits:

(i) retirement;

(ii) workers' compensation;

(iii) Social Security; and

(iv) Medicare.

(3) (a) Beginning in fiscal year 2008-09, the annual salary supplement is \$4,100 for an eligible teacher who:

(i) is assigned full time to teach one or more courses listed in Subsections (1)(b)(i)(A) through (D); and

(ii) meets the requirements of Subsections (1)(b)(ii) and (iii) for each course assignment.

(b) An eligible teacher who has a part-time assignment to teach one or more courses listed in Subsections (1)(b)(i)(A) through (D) shall receive a partial salary supplement based on the number of hours worked in a course assignment that meets the requirements of Subsections (1)(b)(ii) and (iii).

(4) The board shall:

(a) create an online application system for a teacher to apply to receive a salary supplement through the Teacher Salary Supplement Program;

(b) determine if a teacher:

(i) is an eligible teacher; and

- (ii) has a course assignment as listed in Subsections (1)(b)(i)(A) through (D);
 - (c) verify, as needed, the determinations made under Subsection (4)(b) with school district and school administrators; and
 - (d) certify a list of eligible teachers and the amount of their salary supplement, sorted by school district and charter school, to the Division of Finance.
- (5) (a) An eligible teacher shall apply with the board before the conclusion of a school year to receive the salary supplement authorized in this section.
- (b) An eligible teacher may apply with the board, after verification that the requirements under this section have been satisfied, to receive a salary supplement after the completion of:
- (i) the school year as an annual award; or
 - (ii) a semester or trimester as a partial award based on the portion of the school year that has been completed.
- (6) (a) The board shall establish and administer an appeal process for a teacher to follow if the teacher applies for the salary supplement and is not certified under Subsection (4)(d).
- (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to appeal on the basis that the teacher has a degree or degree major with course requirements that are substantially equivalent to the course requirements for a degree listed in Subsection (1)(c)(i)(A) or Subsections (1)(c)(ii)(A) through (E).
- (ii) A teacher shall provide transcripts and other documentation to the board in order for the board to determine if the teacher has a degree or degree major with course requirements that are substantially equivalent to the course requirements for a degree listed in Subsection (1)(c)(i)(A) or Subsections (1)(c)(ii)(A) through (E).
- (7) (a) The Division of Finance shall distribute money from the Teacher Salary Supplement Restricted Account to school districts and charter schools for the Teacher Salary Supplement Program in accordance with the provisions of this section.
- (b) The board shall include the employer-paid benefits described under Subsection (2)(b) in the amount of each salary supplement certified to the Division of Finance.
- (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the salary supplement limits described under Subsection (3).
- (8) (a) Money received from the Teacher Salary Supplement Restricted Account shall be used by a school district or charter school to provide a salary supplement equal to the amount specified for each eligible teacher.
- (b) The salary supplement is part of the teacher's base pay, subject to the teacher's qualification as an eligible teacher every year, semester, or trimester.
- (9) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, the board may limit or reduce the salary supplements.

Amended by Chapter 351, 2014 General Session

53A-17a-157. Teacher Salary Supplement Restricted Account.

- (1) There is created within the Uniform School Fund a restricted account known as the "Teacher Salary Supplement Restricted Account."

(2) The account shall be funded from appropriations made to the account by the Legislature.

(3) The account shall be used to fund teacher salary supplements for school districts and charter schools as provided in Section 53A-17a-156.

(4) The Division of Finance shall distribute account money to school districts and charter schools for the Teacher Salary Supplement Program as provided in Section 53A-17a-156.

Enacted by Chapter 397, 2008 General Session

53A-17a-158. Stipends for special educators for additional days of work.

(1) As used in this section:

(a) "IEP" means an individualized education program developed pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as amended.

(b) "Special education teacher" means a teacher whose primary assignment is the instruction of students with disabilities who are eligible for special education services.

(c) "Special educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:

(i) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act; and

(ii) a position as a:

(A) special education teacher; or

(B) speech-language pathologist.

(2) The Legislature shall annually appropriate money for stipends to special educators for additional days of work:

(a) in recognition of the added duties and responsibilities assumed by special educators to comply with federal law regulating the education of students with disabilities and the need to attract and retain qualified special educators; and

(b) subject to future budget constraints.

(3) (a) The State Board of Education shall distribute money appropriated under this section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends for special educators in the amount of \$200 per day for up to 10 additional working days.

(b) Money distributed under this section shall include, in addition to the \$200 per day stipend, money for the following employer-paid benefits:

(i) retirement;

(ii) workers' compensation;

(iii) Social Security; and

(iv) Medicare.

(4) A special educator receiving a stipend shall:

(a) work an additional day beyond the number of days contracted with the special educator's school district or school for each daily stipend;

(b) schedule the additional days of work before or after the school year; and

(c) use the additional days of work to perform duties related to the IEP process, including:

- (i) administering student assessments;
- (ii) conducting IEP meetings;
- (iii) writing IEPs;
- (iv) conferring with parents; and
- (v) maintaining records and preparing reports.
- (5) A special educator may:
 - (a) elect to receive a stipend for one to 10 days of additional work; or
 - (b) elect to not receive a stipend.
- (6) A person who does not hold a full-time position as a special educator is eligible for a partial stipend equal to the percentage of a full-time special educator position the person assumes.

Enacted by Chapter 397, 2008 General Session

53A-17a-159. Utah Science Technology and Research Initiative Centers Program.

(1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers Program is created to provide a financial incentive for charter schools and school districts to adopt programs that result in a more efficient use of human resources and capital facilities.

(b) The potential benefits of the program include:

- (i) increased compensation for math and science teachers by providing opportunities for an expanded contract year which will enhance school districts' and charter schools' ability to attract and retain talented and highly qualified math and science teachers;
- (ii) increased capacity of school buildings by using buildings more hours of the day or more days of the year, resulting in reduced capital facilities costs;
- (iii) decreased class sizes created by expanding the number of instructional opportunities in a year;
- (iv) opportunities for earlier high school graduation;
- (v) improved student college preparation;
- (vi) increased opportunities to offer additional remedial and advanced courses in math and science;
- (vii) opportunities to coordinate high school and post-secondary math and science education; and
- (viii) the creation or improvement of science, technology, engineering, and math centers (STEM Centers).

(2) From money appropriated for the USTAR Centers Program, the State Board of Education shall award grants to charter schools and school districts to pay for costs related to the adoption and implementation of the program.

(3) The State Board of Education shall:

(a) solicit proposals from the State Charter School Board and school districts for the use of grant money to facilitate the adoption and implementation of the program; and

(b) award grants on a competitive basis.

(4) The State Charter School Board shall:

(a) solicit proposals from charter schools that may be interested in participating in the USTAR Centers Program;

(b) prioritize the charter school proposals and consolidate them into the equivalent of a single school district request; and

(c) submit the consolidated request to the State Board of Education.

(5) In selecting a grant recipient, the State Board of Education shall consider:

(a) the degree to which a charter school or school district's proposed adoption and implementation of an extended year for math and science teachers achieves the benefits described in Subsection (1);

(b) the unique circumstances of different urban, rural, large, small, growing, and declining charter schools and school districts; and

(c) providing pilot programs in as many different school districts and charter schools as possible.

(6) (a) Except as provided in Subsection (6)(b), a school district or charter school may only use grant money to provide full year teacher contracts, part-time teacher contract extensions, or combinations of both, for math and science teachers.

(b) Up to 5% of the grant money may be used to fund math and science field trips, textbooks, and supplies.

(7) Participation in the USTAR Centers Program shall be:

(a) voluntary for an individual teacher; and

(b) voluntary for a charter school or school district.

(8) The State Board of Education shall make an annual report during the 2009, 2010, and 2011 interims to the Public Education Appropriations Subcommittee describing the program's impact on students and its effectiveness at achieving the benefits described in Subsection (1).

Enacted by Chapter 397, 2008 General Session

53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.

(1) The Legislature finds that a strategic placement of arts in elementary education can impact the critical thinking of students in other core subject areas, including mathematics, reading, and science.

(2) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to enhance the social, emotional, academic, and arts learning of students in kindergarten through grade six by integrating arts teaching and learning into core subject areas.

(3) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, the State Board of Education shall, after consulting with the Utah Arts Council and receiving their recommendations:

(a) subject to Subsection (6), establish a grant program to allow school districts and charter schools to hire 50 highly qualified, full-time arts specialists to be based at 50 schools;

(b) provide up to \$10,000 in one-time funds for each school arts specialist described under Subsection (3)(a) to purchase supplies and equipment;

(c) establish a grant program to allow 10 school districts to hire art coordinators,

provided that a qualifying school district provides matching funds in an amount equal to the grant amount; and

(d) annually contract with an independent, qualified evaluator, selected through a request for proposals process, to evaluate the Beverley Taylor Sorenson Elementary Arts Learning Program.

(4) Beverley Taylor Sorenson Elementary Arts Learning Program money may not be used to supplant funds for existing programs funded by the state, but shall be used to augment existing programs.

(5) Schools that participate in the Beverley Taylor Sorenson Elementary Arts Learning Program shall partner with institutions of higher education that award elementary education degrees to obtain quality pre-service and in-service training, research, and leadership development for arts education.

(6) (a) Beginning with the 2011-12 school year, a school district or charter school may receive a grant under Subsection (3)(a) if the school district or charter school provides matching funds for 10% of the grant amount.

(b) A qualifying school district or charter school under Subsection (6)(a) shall increase its match amount by an additional 10% each subsequent year, until the school district or charter school provides matching funds in an amount equal to the grant amount.

(7) Beginning with the 2011-12 school year, the State Board of Education shall make funds available for additional schools to participate in the Beverly Taylor Sorenson Elementary Arts Learning Program, corresponding to the amount of the matching funds required from schools under Subsection (6).

(8) The State Board of Education shall, after consultation with the Utah Arts Council, make an annual report during the 2009, 2010, and 2011 interims to the Education Interim Committee describing the program's impact on students in kindergarten through grade six.

Amended by Chapter 330, 2011 General Session

53A-17a-163. Performance-based Compensation Pilot Program.

(1) The Performance-based Compensation Pilot Program is created to pilot the development and implementation of performance-based compensation plans for elementary school classroom-related staff.

(2) From money appropriated by the Legislature for the Performance-based Compensation Pilot Program, the State Board of Education shall award grants to school districts and charter schools to develop and implement performance-based compensation plans for elementary school classroom-related staff.

(3) The State Board of Education shall:

(a) solicit proposals from school districts and charter schools for the use of grant money to develop and implement performance-based compensation plans for elementary school classroom-related staff; and

(b) award grants on a competitive basis.

(4) To receive a grant, a school district or charter school shall submit a proposal to the State Board of Education to develop and implement a performance-based compensation plan over a two-year period as follows:

(a) In the first year, the school district or charter school shall develop, administer, and evaluate performance measures.

(b) In the second year, the school district or charter school shall administer performance measures and compensate classroom-related staff based on performance.

(c) A performance-based compensation plan shall provide that:

(i) student learning gains shall account for 40% of the maximum amount of performance-based compensation that may be awarded to an employee;

(ii) an employee's instructional quality or performance as measured by classroom observations or other instruments shall account for 40% of the maximum amount of performance-based compensation that may be awarded to an employee; and

(iii) the remaining 20% of the maximum amount that may be awarded to an employee shall include a measure of parent, student, or community satisfaction.

(d) A proposal shall include a budget and specify the amount of grant money requested.

(e) A school district's proposal may apply to one or more elementary schools within the district.

Enacted by Chapter 299, 2009 General Session

53A-17a-164. Board local levy -- State guarantee.

(1) Subject to the other requirements of this section, for a calendar year beginning on or after January 1, 2012, a local school board may levy a tax to fund the school district's general fund.

(2) (a) Except as provided in Subsection (2)(b), a tax rate imposed by a school district pursuant to this section may not exceed .0018 per dollar of taxable value in any calendar year.

(b) A tax rate imposed by a school district pursuant to this section may not exceed .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on January 1, 2011, the school district's combined tax rate for the following levies was greater than .0018 per dollar of taxable value:

(i) a recreation levy imposed under Section 11-2-7;

(ii) a transportation levy imposed under Section 53A-17a-127;

(iii) a board-authorized levy imposed under Section 53A-17a-134;

(iv) an impact aid levy imposed under Section 53A-17a-143;

(v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is budgeted for purposes other than capital outlay or debt service;

(vi) a reading levy imposed under Section 53A-17a-151; and

(vii) a tort liability levy imposed under Section 63G-7-704.

(3) (a) In addition to the revenue a school district collects from the imposition of a levy pursuant to this section, the state shall contribute an amount sufficient to guarantee that each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state guarantee per weighted pupil unit described in Subsection 53A-17a-133(4).

(b) (i) The amount of state guarantee money to which a school district would

otherwise be entitled to under this Subsection (3) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the certified tax rate.

(4) A school district that imposes a board local levy in the calendar year beginning on January 1, 2012, is exempt from the public notice and hearing requirements of Section 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to or less than the sum of the following amounts:

(a) the amount of revenue generated during the calendar year beginning on January 1, 2011, from the sum of the following levies of a school district:

- (i) a recreation levy imposed under Section 11-2-7;
 - (ii) a transportation levy imposed under Section 53A-17a-127;
 - (iii) a board-authorized levy imposed under Section 53A-17a-134;
 - (iv) an impact aid levy imposed under Section 53A-17a-143;
 - (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is budgeted for purposes other than capital outlay or debt service;
 - (vi) a reading levy imposed under Section 53A-17a-151; and
 - (vii) a tort liability levy imposed under Section 63G-7-704; and
- (b) revenue from new growth as defined in Subsection 59-2-924(4)(c).

Amended by Chapter 178, 2013 General Session

Amended by Chapter 313, 2013 General Session

53A-17a-165. Enhancement for Accelerated Students Program.

(1) As used in this section, "eligible low-income student" means a student who:

- (a) takes an Advanced Placement test;
- (b) has applied for an Advanced Placement test fee reduction; and
- (c) qualifies for a free or a lunch provided at reduced cost.

(2) The State Board of Education shall distribute money appropriated for the Enhancement for Accelerated Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with school districts and charter schools.

(3) A distribution formula adopted under Subsection (2) may include an allocation of money for:

- (a) Advanced Placement courses;
- (b) Advanced Placement test fees of eligible low-income students;
- (c) gifted and talented programs, including professional development for teachers of high ability students; and
- (d) International Baccalaureate programs.

(4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for Accelerated Students Program may be allowed for International Baccalaureate programs.

(5) A school district or charter school shall use money distributed under this section to enhance the academic growth of students whose academic achievement is accelerated.

(6) (a) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for Accelerated Students Program and make an annual report to the Public Education Appropriations Subcommittee on the effectiveness of the program.

(b) In the report required by Subsection (6)(a), the State Board of Education shall include data showing the use and impact of money allocated for Advanced Placement test fees of eligible low-income students.

Amended by Chapter 193, 2014 General Session

53A-17a-166. Enhancement for At-Risk Students Program.

(1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education shall distribute money appropriated for the Enhancement for At-Risk Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with school districts and charter schools.

(b) (i) The State Board of Education shall appropriate \$1,200,000 from the appropriation for Enhancement for At-Risk Students for a gang prevention and intervention program designed to help students at-risk for gang involvement stay in school.

(ii) Money for the gang prevention and intervention program shall be distributed to school districts and charter schools through a request for proposals process.

(2) In establishing a distribution formula under Subsection (1)(a), the State Board of Education shall use the following criteria:

- (a) low performance on U-PASS tests;
- (b) poverty;
- (c) mobility; and
- (d) limited English proficiency.

(3) A school district or charter school shall use money distributed under this section to improve the academic achievement of students who are at risk of academic failure.

(4) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for At-Risk Students Program and make an annual report to the Public Education Appropriations Subcommittee on the effectiveness of the program.

Enacted by Chapter 359, 2011 General Session

53A-17a-167. Early intervention program -- Enhanced kindergarten program -- Educational technology.

(1) The State Board of Education shall, as described in Subsection (4), distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2), to school districts and charter schools that apply for the funds.

(2) A school district or charter school shall use funds appropriated in this section to offer an early intervention program, delivered through an enhanced kindergarten

program that:

(a) is an academic program focused on building age-appropriate literacy and numeracy skills;

(b) uses an evidence-based early intervention model;

(c) is targeted to at-risk students; and

(d) is delivered through additional hours or other means.

(3) A school district or charter school may not require a student to participate in an enhanced kindergarten program described in Subsection (2).

(4) The State Board of Education shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2) as follows:

(a) (i) the total allocation for charter schools shall be calculated by:

(A) dividing the number of charter school students by the total number of students in the public education system in the prior school year; and

(B) multiplying the resulting percentage by the total amount of available funds; and

(ii) the amount calculated under Subsection (4)(a) shall be distributed to charter schools with the greatest need for an enhanced kindergarten program, as determined by the State Board of Education in consultation with the State Charter School Board;

(b) each school district shall receive the amount calculated by:

(i) multiplying the value of the weighted pupil unit by 0.45; and

(ii) multiplying the result by 20; and

(c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b) are made, shall be distributed to applicant school districts by:

(i) determining the number of students eligible to receive free lunch in the prior school year for each school district; and

(ii) prorating the remaining funds based on the number of students eligible to receive free lunch in each district.

(5) In addition to an enhanced kindergarten program described in Subsection (2), the early intervention program includes a component to address early intervention through the use of an interactive computer software program.

(6) (a) Subject to legislative appropriations, by September 1 of each year, the State Board of Education shall select one or more technology providers, through a request for proposals process, to provide an interactive computer software program for literacy instruction and assessments for students in kindergarten through grade 3.

(b) The State Board of Education shall distribute licenses for an interactive computer software program described in Subsection (6)(a) to school districts and charter schools that apply for the licenses.

(c) A school district or charter school that received a license described in Subsection (6)(b) during the prior year shall be given first priority to receive an equivalent license during the current year.

(d) Licenses distributed to school districts and charter schools in addition to the licenses described in Subsection (6)(c) shall be distributed through a competitive process.

(7) On or before November 1, 2013, and every year thereafter, the State Board of Education shall report final testing data regarding an interactive computer software program described in Subsection (6), including student learning gains as a result of the

interactive computer software program, to:

- (a) the Education Interim Committee; and
- (b) the governor.

Amended by Chapter 466, 2013 General Session

53A-17a-168. Appropriation for Title 1 Schools in Improvement Paraeducators Program.

(1) As used in this section:

(a) "Eligible school" means a Title 1 school that has not achieved adequate yearly progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in the same subject area for two consecutive years.

(b) "Paraeducator" means a school employee who:

- (i) delivers instruction under the direct supervision of a teacher; and
- (ii) meets the requirements under Subsection (3).

(c) "Program" means the Title 1 Schools in Improvement Paraeducators Program created in this section.

(2) The program is created to provide funding for eligible schools to hire paraeducators to provide additional instructional aid in the classroom to assist students in achieving academic success and assist the school in exiting Title 1 school improvement status.

(3) A paraeducator who is funded under this section shall have:

- (a) earned a secondary school diploma or a recognized equivalent;
- (b) (i) completed at least two years with a minimum of 48 semester hours at an accredited higher education institution;
- (ii) obtained an associates or higher degree from an accredited higher education institution; or
- (iii) satisfied a rigorous state or local assessment about the individual's knowledge of, and ability to assist in instructing students in reading, writing, and mathematics; and

(c) received large group-, small group-, and individual-level professional development that is intensive and focused and covers curriculum, instruction, assessment, classroom and behavior management, and teaming.

(4) The State Board of Education shall distribute money appropriated for the program to eligible schools, in accordance with rules adopted by the board.

(5) Funds appropriated under the program may not be used to supplant other money used for paraeducators at eligible schools.

(6) The State Board of Education shall submit an annual report to the Legislature's Public Education Appropriations Subcommittee that includes information on:

- (a) the amount of money distributed to each eligible school under this section;
- (b) how many paraeducators were hired at each eligible school with program money;
- (c) additional funding eligible schools used to supplement program money in hiring paraeducators; and
- (d) accountability measures, including test scores of students served by the

program.

Enacted by Chapter 188, 2012 General Session

53A-17a-169. Student Leadership Skills Development Pilot Program.

(1) For purposes of this section:

(a) "Board" means the State Board of Education.

(b) "Pilot program" means the Student Leadership Skills Development Pilot Program created in Subsection (2).

(2) There is created the Student Leadership Skills Development Pilot Program to develop student behaviors and skills that enhance a school's learning environment and are vital for success in a career, including:

- (a) communication skills;
- (b) teamwork skills;
- (c) interpersonal skills;
- (d) initiative and self-motivation;
- (e) goal setting skills;
- (f) problem solving skills; and
- (g) creativity.

(3) (a) The board shall administer the program and award grants to elementary schools that apply for a grant on a competitive basis.

(b) The board may award a grant of:

(i) up to \$10,000 per school for the first year a school participates in the pilot program; and

(ii) up to \$20,000 per school for subsequent years a school participates in the pilot program.

(4) An elementary school may participate in the pilot program established under this section in accordance with rules of the State Board of Education.

(5) In selecting elementary schools to participate in the pilot program, the board shall:

(a) require a school in the first year the school participates in the pilot program to provide matching funds or an in-kind contribution of goods or services in an amount equal to the grant the school receives from the board;

(b) require a school to participate in the pilot program for two years; and

(c) give preference to Title I schools or schools in need of academic improvement.

(6) A school that receives a grant described in Subsection (3) shall:

(a) (i) set school-wide goals for the school's student leadership skills development program; and

(ii) require each student to set personal goals; and

(b) provide the following to the board after the first school year of implementation of the program:

(i) evidence that the grant money was used for the purpose of purchasing or developing the school's own student leadership skills development program; and

(ii) a report on the effectiveness and impact of the school's student leadership skills development program on student behavior and academic results as measured by:

- (A) a reduction in truancy;
- (B) assessments of academic achievement;
- (C) a reduction in incidents of student misconduct or disciplinary actions; and
- (D) the achievement of school-wide goals and students' personal goals.

(7) After three years' participation in the pilot program, a school may not receive additional grant money if the school fails to demonstrate an improvement in student behavior and academic achievement as measured by the data reported under Subsection (6).

(8) (a) The board shall make a report on the pilot program to the Education Interim Committee by the committee's October 2016 meeting.

(b) The report shall include an evaluation of the pilot program's success in enhancing a school's learning environment and improving academic achievement.

Amended by Chapter 393, 2014 General Session

53A-17a-170. Grants for field trips to the State Capitol.

(1) The State Board of Education may award grants to school districts and charter schools to take students on field trips to the State Capitol.

(2) Grant money may be used to pay for transportation expenses related to a field trip to the State Capitol.

(3) The State Board of Education shall make rules:

(a) establishing procedures for applying for and awarding grants; and

(b) specifying how grant money shall be allocated among school districts and charter schools.

Enacted by Chapter 381, 2013 General Session

53A-17a-171. Intergenerational Poverty Interventions Grant Program -- Definitions -- Grant requirements -- Reporting requirements.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Eligible student" means a student who is classified as a child affected by intergenerational poverty.

(c) "Intergenerational poverty" has the same meaning as in Section 35A-9-102.

(d) "Local Education Agency" or "LEA" means a school district or charter school.

(e) "Program" means the Intergenerational Poverty Interventions Grant Program created in Subsection (2).

(2) The Intergenerational Poverty Interventions Grant Program is created to provide grants to eligible LEAs to fund additional educational opportunities for eligible students, outside of the regular school day offerings.

(3) Subject to future budget constraints, the board shall distribute to LEAs money appropriated for the program in accordance with this section.

(4) The board shall:

(a) solicit proposals from LEAs to receive money under the program; and

(b) award grants to LEAs based on criteria described in Subsection (5).

(5) In awarding a grant under Subsection (4), the board shall consider:

(a) the percentage of an LEA's students that are classified as children affected by intergenerational poverty;

(b) the level of administrative support and leadership at an eligible LEA to effectively implement, monitor, and evaluate the program; and

(c) an LEA's commitment and ability to work with the Department of Workforce Services, the Department of Health, the Department of Human Services, and the juvenile courts to provide services to the LEA's eligible students.

(6) To receive a grant under the program, an LEA shall submit a proposal to the board detailing:

(a) the LEA's strategy to implement the program, including the LEA's strategy to improve the academic achievement of children affected by intergenerational poverty;

(b) the LEA's strategy for coordinating with and engaging the Department of Workforce Services to provide services for the LEA's eligible students;

(c) the number of students the LEA plans to serve, categorized by age and intergenerational poverty status;

(d) the number of students, eligible students, and schools the LEA plans to fund with the grant money; and

(e) the estimated cost per student.

(7) (a) The board shall annually report to the Legislature's Education Interim Committee and the Utah Intergenerational Welfare Reform Commission, created in Section 35A-9-301, by November 30 of each year:

(i) the progress of LEA programs using grant money;

(ii) the progress of LEA programs in improving the academic achievement of children affected by intergenerational poverty; and

(iii) the LEA's coordination efforts with the Department of Workforce Services, the Department of Health, the Department of Human Services, and the juvenile courts.

(b) LEAs that receive grant money pursuant to this section shall provide to the board information that is necessary for the board's report to the Legislature's Education Interim Committee and the Utah Intergenerational Welfare Reform Commission as required in Subsection (7)(a).

Enacted by Chapter 375, 2014 General Session